

Serial No. 10/710,776  
Filed: 08/08/04  
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Examiner: Lee D. Wilson  
Group Art Unit: 3723

### **Remarks/Arguments**

In the Office Action mailed January 8, 2008, the Examiner required restriction between the apparatus claims 1-45 and the method claims 46-49. Applicants elect, with traverse, claims 1-45, drawn to an apparatus.

Applicants believe that the subject matter of the apparatus claims and the method claims are so closely related that a search of the apparatus art as well as the method art to adequately examine either set of claims. As the Examiner knows, patents are issued with both method and apparatus claims in this art and, whereas they may be originally classified in the apparatus art, and they will also be cross-referenced to the method art. The Examiner must be concerned with disclosure and not claimed subject matter. Thus, even though the claimed subject matter of a patent may be a method, the disclosure may well have significant apparatus structure which may provide relevant prior art for apparatus claims. Thus, it is believed that there is no burden on the Examiner for examining both sets of claims in this application.

An action on the merits is respectfully requested.

Respectfully submitted,

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